

Deposition of:

Abraham K. Bruhn

June 17, 2022

JOSHUA SPRIESTERSBACH

v.

STATE OF HAWAII, et al.

Case No.1:21-cv-00456-LEK-RT



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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF HAWAII

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6 JOSHUA SPRIESTERSBACH,

7 Plaintiff,

8 vs.

9 STATE OF HAWAII, et al.,

10 Defendants.

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15 Deposition of: ABRAHAM K. BRUHN
(via videoconference)

16 Pursuant to: Notice

17 Date and Time: Friday, June 17, 2022
2:05 P.M. EST

18 Place: 530 South King Street
Honolulu, Hawaii 96813

19 Reporter: Tracy L. Allen, RPR, RMR
(via videoconference)
20 Notary Public - State of Ohio

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1 Q. In the digital notebook, do you
2 search by name, do you search by date like who
3 are the latest entries; how do you work that?

4 A. So for our unit at the time, we just
5 search by warrants and then we search by
6 district.

7 So it will show per district which
8 persons has warrants, where their hangouts are.
9 And that's how we did it.

10 Q. How would you know which people are
11 appropriate to place in which district?

12 A. I'm sorry.

13 What was the question?

14 Q. Like how would you know which people
15 are the ones that you would search -- you would
16 be accessing in District 1?

17 A. Oh, okay.

18 It would be either their previous
19 arrest in a certain city or their current
20 hangout locations.

21 Q. And who determines what their
22 current hangout locations are?

23 A. I don't know who inputs the
24 warrants, but I'm just going to make an
25 assumption that they either gather it from the

1 Q. If you were just on a bike, would
2 you have access to the warrant pages when
3 you're outside of the station?

4 A. No.

5 Q. Was your station the central station
6 or were you -- did you work out of a regional
7 substation?

8 A. Central.

9 Q. Is this digital notebook still
10 available through your mobile data terminal in
11 the cruisers?

12 A. Yes.

13 Q. Had you occasion to look at the
14 picture that we now know as Joshua
15 Spriestersbach connected to a warrant prior to
16 May 11, 2017; had you studied it before that
17 day?

18 A. Yes.

19 Q. How long had it been resident in
20 your digital notebook, that picture?

21 A. From -- well, I joined the bike unit
22 in 2015 and that's when we -- that's what our
23 normal routine would be, right, to study
24 warrants. So from 2015 up until the arrest.

25 Q. So you saw Joshua Spriestersbach's

1 picture every day you studied the warrant
2 pages?

3 A. Yes.

4 Q. During that period, did his picture
5 change at all or was it always the same
6 picture?

7 A. It was always the same picture.

8 Q. All right. Well, we're going to
9 look at documents in a minute, but why don't
10 you just tell me what you recall from
11 May 11th, 2017 and your encounter with Joshua
12 Spriestersbach.

13 A. Okay. So that day we were
14 patrolling, we're driving.

15 So there's Maunakea Street, and then
16 there's River of Life that serves food for the
17 homeless around that area.

18 So we turned down Pauahi. I see
19 Mr. Spriestersbach sitting down, back up --
20 back erect against the wall, and we made eye
21 contact.

22 And it was at that point to where at
23 the time I told my partner, I say, yeah, I
24 think that might be the guy that we've been
25 looking for.

1 So my partner made a U-turn, we get
2 out. And as I'm approaching
3 Mr. Spriestersbach, my partner is pulling
4 out -- because we made copies of those --
5 warrant information.

6 So as I'm approaching him, my
7 partner is looking for the warrant. And at
8 that time I, you know, I spoke with him.

9 I said, hey, I'm Officer Bruhn,
10 Honolulu Police Department. The reason why I'm
11 talking to you is because you match someone
12 that we have warrant information on.

13 And as I'm talking to him, my
14 partner pulls out the printout that we made and
15 he says, hey, you're right. That looks just
16 like him.

17 And so, you know, I asked
18 Mr. Spriestersbach for his last name. I say,
19 hey, what's your name?

20 He gives me Castleberry. And so
21 because he gave me Castleberry and that's the
22 information on the warrant information that we
23 had, I go back to the computer, I make a few
24 checks, and I go back to Mr. Spriestersbach and
25 I said, hey, what's your first name?

1 You know, I'm just trying to make
2 sure that the information you give me doesn't
3 match this warrant. If it doesn't match, you
4 know, we'll be on our way and then you'll be
5 okay to just continue doing what you're doing.

6 And at that point he gave me Joshua.
7 So I said, so your name is Joshua Castleberry?

8 He said, yes. And I'm not going to
9 give you any more information.

10 I said, what's your birth date?

11 And he says, I'm not saying anything
12 else.

13 So I run him in Joshua Castleberry,
14 and there's still not much information that I
15 needed. So I go back to him a third time.

16 I said, hey, listen dude, your last
17 name matches a name on the warrant, you know.
18 Right now it's starting to not look good for
19 you. So he finally gave me his social, his
20 actual social.

21 So I go back to the computer for a
22 third time, I believe, and I run his social in
23 CJIS. And in CJIS it pulls up Joshua
24 Spriestersbach.

25 And underneath there's an alias --

1 report, right?

2 A. Yes.

3 Q. Are there any other documents that
4 you prepared as a result of your encounter with
5 Joshua that day?

6 A. No.

7 Q. What happened after you -- well, let
8 me just ask it differently.

9 Did you ever call dispatch to get
10 any additional information about the person you
11 were interviewing?

12 A. I did do a warrant check, but under
13 the name of Thomas Castleberry. I can't
14 remember if I ever did any type of previous
15 arrest checks under Joshua's social.

16 Q. And what does it mean to do a
17 warrant check?

18 A. Well, because we were stopping him
19 for the warrant, we need to confirm the warrant
20 before we can initiate the arrest.

21 So that's what we did with dispatch.

22 Q. Just tell me what that involves.

23 A. We just come over the radio and
24 said, hey, you know -- at that time I was 9132.
25 So I believe I said, 9132, warrant check. I

1 gave her the information for the warrant that
2 we knew of.

3 And, you know, she read it back for
4 Thomas Castleberry, bail amount 11,000. Do you
5 want us to confirm?

6 At which point, I said, yes, confirm
7 warrant, please.

8 MR. GERHARDSTEIN: Tracy, is this
9 set up for me to share screen?

10 THE REPORTER: It should be.

11 BY MR. GERHARDSTEIN:

12 Q. Okay. I'm going to show you what
13 we're marking as Exhibit 1.

14 Can you see that, Mr. Bruhn?

15 A. Yes.

16 Q. Is this a page out of the warrant
17 pages that you're describing?

18 A. That's -- it's a page out of digital
19 notebook but not in the warrant section.

20 Q. Okay. Well, tell me what this is
21 then.

22 A. So, basically, this is just
23 information about -- on the name, if you can
24 see, Thomas Ralph Castleberry, his Alpha
25 number, if he ever had warrants, the crimes he

1 committed, hangouts, his height, weight.

2 Q. And I take it you would access a
3 page like this after you saw that, in the
4 warrant section, that you wanted to see if
5 Thomas Castleberry was around, right?

6 If you were looking for a guy named
7 Thomas Castleberry had a warrant for him, then
8 you'd go to this page to see what he looked
9 like, right?

10 A. Yes.

11 Q. And this page would give you other
12 personal information.

13 MR. GERHARDSTEIN: By the way, this
14 is under the protective order, Counsel.

15 The transcript doesn't need to be
16 under the protective order so long as we
17 don't use the personal information that
18 we need to redact.

19 So help me out with that if I screw
20 up, please.

21 BY MR. GERHARDSTEIN:

22 Q. The picture, is that the same
23 picture you had been looking at for a couple
24 years prior to actually encountering Joshua
25 Spriestersbach?

1 A. Yes.

2 Q. And is that the same picture, this
3 picture that's on Exhibit 1, that mirrored what
4 you saw, what Joshua Spriestersbach looked like
5 on May 11th, 2017?

6 A. Yes.

7 Q. So his hair was the same?

8 A. Yes.

9 Q. Probably had a different shirt, but,
10 I mean, the hair was the same?

11 A. Yeah. Yes.

12 Q. Now, since this case has been filed,
13 have you satisfied yourself that all of the
14 personal information that is on the fields on
15 this page belongs to Mr. Castleberry but the
16 picture belongs to Mr. Spriestersbach; do you
17 agree with that?

18 A. I thought you said after this case
19 had been -- I agree with it now, yes.

20 Q. Okay. You didn't know that back in
21 2017 --

22 A. Yes.

23 Q. -- is that right?

24 A. Yes.

25 Q. The tabs that are above the fields

1 of information here, what -- are those just
2 things you can click on to get additional
3 information or interact with this program?

4 A. Yes. So if this was warrant
5 information -- at the time I don't believe
6 there was an Edit Person or Add Comment. It
7 was information on a warrant, but if you just
8 was to run this guy, just add information --
9 like say somebody stopped him and he gave
10 this -- for whatever reason he gave Castleberry
11 again, you can input, I stopped this person at
12 this date and time, has added information that
13 he could add under just regular digital
14 notebook.

15 Q. Do any of those tabs allow us to
16 click and then go look at warrants, or do we
17 access that a different way?

18 A. So you access that from the home
19 page of digital notebook.

20 Q. And we aren't looking at the home
21 page?

22 A. No.

23 Q. Is digital notebook still set up the
24 same way?

25 A. I believe so, yes.

1 the line where it said Warrant/Arrest on Sight?

2 A. So this is just -- so, basically, if
3 you search this name, this is the information
4 you show up, but under the warrant it will show
5 that he was wanted for \$11,000 warrant, from
6 what I can remember, and his last known
7 location he was seen or arrested.

8 Q. Okay. But I'm trying to take you
9 back to this page and the status of this page
10 just prior to your arrest of
11 Mr. Spriestersbach.

12 A. Okay. Okay. Yeah.

13 So the Warrant/Arrest on Sight, it
14 would have a Y indicating yes.

15 Q. Okay. Was there any discussion with
16 Mr. Spriestersbach as to any other law
17 violation that he was engaged in at the time
18 you encountered him on the 17th -- on the 11th
19 of May in 2017?

20 A. No.

21 Q. Do you have a sit and lie law or
22 ordinance in Honolulu?

23 A. We did, but for the time frame, I
24 believe he wasn't in violation of sit-lie.

25 Q. And what do you mean by that, for

1 A. I did not. I don't believe I did.

2 Q. So what did you do at that time?

3 A. So after he gave me his social and
4 then I seen the information connecting him
5 somehow to the warrant information, I made the
6 arrest.

7 Searched him for any weapons, you
8 know, means of escape. That's the normal type
9 things we do. And then we transported him to
10 our central receiving division.

11 Q. Let me ask you one other question
12 before we get to the station.

13 A. Yes.

14 Q. You said that you secured
15 information where you could match the social
16 security number Joshua had given you to Joshua
17 Spriestersbach from CJIS.

18 How did you do that?

19 A. So in CJIS itself it will show the
20 aliases and then it will have the social to
21 whatever alias there was.

22 So under Thomas Castleberry, they
23 had the full social on the warrant information.
24 And then under William C. Castleberry, it had
25 the last four -- I believe it had the last four

1 of the warrant social information.

2 And because we had -- because he

3 gave me Joshua Castleberry, his picture

4 matched, and the social under his aliases

5 matched the social under the warrant, we made

6 the arrest.

7 Q. I'm trying to ask a little bit about
8 the systems in play here because we're trying
9 to figure out how this happened. Okay?

10 A. Uh-huh.

11 Q. So CJIS is not something run by the
12 City of Honolulu, right?

13 A. I can't really answer that, but I
14 believe it's statewide.

15 Q. And that's something you access on
16 your mobile data terminal?

17 A. Yes. We have an app for -- as of
18 right now that I know of, it's for HPD
19 officers.

20 Q. And can you access CJIS through your
21 digital notebook?

22 A. No.

23 Q. Can you get the same information on
24 your digital notebook that you get from CJIS?

25 A. To be honest, it depends, because

1 was a mistake in CJIS information?

2 A. I have not.

3 Q. In your training, have you ever
4 learned what, if anything, you should do if you
5 discover a mistake in CJIS information?

6 A. I can't recall, to be honest.

7 Q. When you looked up -- did you look
8 up Castleberry or did you look up a social
9 security number when you entered the CJIS
10 database?

11 A. In CJIS it was through the social.

12 Q. Okay. When you used the social --
13 and the first one you used was actually
14 Castleberry's, right?

15 A. Yes.

16 Q. -- what picture came up on CJIS?

17 A. The picture that came up on CJIS was
18 of Castleberry in a green jumpsuit.

19 Q. So that was a different picture than
20 the picture you had on your digital notebook,
21 right?

22 A. Yes.

23 Q. As you sit here today, do you recall
24 whether the person who was depicted when you
25 searched Castleberry's social security number

1 on CJIS, was that person the same one depicted
2 in the photograph that is in E-1, the digital
3 notebook?

4 A. I'm sorry. Today?

5 Q. Well, we just looked at E-1, right,
6 and that's Joshua Spriestersbach?

7 A. Yes.

8 Q. Do you remember that?

9 You see that, correct?

10 A. I never ran -- I never run that --
11 the social under Castleberry. I didn't run
12 them in CJIS that day.

13 Q. Oh, okay. I misunderstood.

14 A. It was just Spriestersbach's social
15 that he provided.

16 Q. So when you ran Spriestersbach's
17 social, what picture did you get?

18 A. I can't remember. It's just of him
19 with a green -- it looks like a green jumpsuit.

20 Q. And were you satisfied that it was
21 the same person whose picture you had looked at
22 in the digital notebook?

23 A. Yes. Based off of the social he
24 provided, yes.

25 Q. So at that point you had used a

1 A. No.

2 Q. Okay. You said after you turned him
3 over to those central receiving desk officers,
4 you went and met with whom?

5 A. I met with my desk lieutenant.

6 Q. And why was that?

7 A. It's procedure for us to go and
8 apprise the desk lieutenant of the facts and
9 circumstances of the arrest. The desk
10 lieutenant will do a more thorough search, you
11 know, information search and they determine
12 whether or not the arrest is good or not.

13 Q. Were you alone or with your partner
14 through all this?

15 A. Through the appraisal, I was alone.

16 Q. What do you mean, through the
17 appraisal?

18 A. So when I met with the desk
19 lieutenant, it was just me. My partner just
20 stayed in the car.

21 Q. Where was Mr. Spriestersbach while
22 you met with the desk lieutenant?

23 A. He was in a different section of CRD
24 with CRD officers.

25 Q. Who was the desk lieutenant?

1 did you discuss the fact that

2 Mr. Spriestersbach's picture was connected to

3 two different social security numbers on these

4 databases that you were both looking at?

5 A. Yes.

6 Q. And what was the lieutenant's take

7 on that issue?

8 MR. LEWALLEN: Objection. Calls for

9 speculation.

10 If you know, you can answer.

11 BY MR. GERHARDSTEIN:

12 Q. If you know.

13 A. I mean, basically, he just -- we

14 just agreed that, you know, he possibly gave a

15 name that's not affixed to a warrant just

16 trying to not get arrested for it.

17 Q. In your presence, did the lieutenant

18 do any further investigation to determine which

19 of those social security numbers actually

20 belonged to the person you had in custody?

21 A. So in my presence, he basically did

22 the same searches that I did out in the field

23 with CJIS. And it was from that point on we

24 just -- he just said, hey, you know, it's a

25 good arrest based off of what I'm looking at

1 A. All I did was sign it. I don't know
2 exactly how the process goes for CRD. So I'm
3 not sure if CRD serves him a signed warrant,
4 but me physically, I didn't physically hand
5 deliver a copy of the warrant that I signed to
6 Mr. Spriestersbach.

7 Q. Did you see anyone else provide
8 Mr. Spriestersbach with a physical copy of the
9 warrant --

10 A. I did not.

11 Q. -- for Thomas Castleberry?

12 While you were writing on the
13 warrant, did you write Mr. Spriestersbach's
14 name on the warrant?

15 A. Yes, I did.

16 Q. Why was that?

17 A. On that day, I believed that
18 Mr. Spriestersbach was, indeed, Thomas
19 Castleberry. So I wrote Joshua Spriestersbach
20 just for further information for the courts to
21 see that maybe Joshua Spriestersbach is his
22 alias that he uses rather than his real name.

23 Q. Did you discuss whether to put
24 Mr. Spriestersbach's name on the warrant with
25 any other supervisor or other officer?

1 A. No.

2 Q. Had you done this before?

3 A. Yes.

4 Q. So in what situations did you add
5 names to the face of a warrant?

6 A. So we've had numerous arrests
7 with -- warrant arrests. And sometimes in
8 CJIS, they would book the arrestee under their
9 real name, and then sometimes under CJIS it
10 would book the arrestee under their alias.

11 So there was, I want to say, at
12 least more than five times we made an arrest to
13 where a suspect in a warrant actually had his
14 real name and an alias and put it in CJIS.

15 So we -- at the time, I thought this
16 could have been another situation to where
17 Thomas Castleberry is his real name and Joshua
18 Spriestersbach was his name as an alias input
19 in CJIS.

20 Q. You said that --

21 MR. LEWALLEN: Excuse me, Al?

22 MR. GERHARDSTEIN: Yes.

23 MR. LEWALLEN: You know, at a
24 convenient time, could we take a short
25 break?

1 MR. GERHARDSTEIN: Yes. We can do
2 that right now, if you'd like.

3 MR. LEWALLEN: Yeah. I need a break
4 for a second. Thank you.

5 MR. GERHARDSTEIN: All right.
6 Everybody's drinking coffee.

7 MR. LEWALLEN: Yeah.

8 MR. GERHARDSTEIN: Ten minutes. Be
9 back in ten minutes. Okay?

10 MR. LEWALLEN: Very good. Thank
11 you.

12 (A recess was taken from 3:11 to
13 3:27.)

14 MR. GERHARDSTEIN: Back on the
15 record.

16 BY MR. GERHARDSTEIN:

17 Q. We were discussing the fact that you
18 had put Mr. Spriestersbach's name on the
19 warrant.

20 Do you recall that?

21 A. Yes.

22 Q. And you said you had done that in
23 several other situations where you had made an
24 arrest on a warrant where a person also had an
25 alias, right?

1 A. Yes.

2 Q. And in any of those instances where
3 you had put a suspect's name on a warrant,
4 other than the name in which the warrant was
5 issued, had anyone ever disciplined you for
6 that?

7 A. No.

8 Q. Had anybody ever said it was
9 inappropriate to do that?

10 A. No.

11 Q. Had you discussed it with any of
12 your supervisors or colleagues as to either
13 being the right thing to do or not?

14 A. I have not.

15 Q. And did you ever receive any
16 retraining with respect to the practice of
17 putting an alias name on the face of a warrant?

18 A. No.

19 Q. Now, was that name placed on what
20 we're calling the original, the copy of the
21 warrant that had your original writing on it?

22 A. Yes.

23 Q. And if you know, what happens to
24 that original?

25 A. I don't -- I can't really say, but

1 Q. Is the -- you were talking about
2 meeting with the desk lieutenant. And then you
3 actually discussed the arrest with the desk
4 lieutenant.

5 This says, The officer in charge
6 shall review the circumstances of each arrest
7 before any person is booked in order to
8 determine whether there exist sufficient
9 grounds or facts to justify the arrest.

10 Is it your understanding the person
11 you were talking to was serving as the officer
12 in charge?

13 A. Yes.

14 Q. Now, are you aware of any problem
15 that has been experienced at the central police
16 station with booking people, taking their
17 photographs, and getting their fingerprints?

18 MR. LEWALLEN: Objection. Vague and
19 ambiguous.

20 If you understand the question,
21 proceed.

22 A. No.

23 BY MR. GERHARDSTEIN:

24 Q. So as far as you know, most
25 arrestees have their mug shot taken and their

1 Q. Now, it says that if an
2 identification is corrected, there will be a
3 form used, HPD-510.

4 Have you ever used that form or
5 received that form in connection with any
6 arrest you made?

7 A. No.

8 Q. Have you ever been trained on when
9 to refer a matter to the identification
10 section?

11 A. I can't remember.

12 Q. Have you ever been disciplined or
13 retrained when any identification you made
14 turned out to be incorrect?

15 A. I have not.

16 Q. Have you ever learned that any
17 identification that you made was incorrect?

18 A. I have not.

19 Q. Now, your next exhibit -- I think it
20 is 6. Hold on. Yeah, it's 6. -- is policy
21 7.10 involving warrants.

22 And on the second page under C.1. it
23 says, When serving a penal summons or warrant,
24 the officer shall provide a copy to the person
25 named in the document.